

STATEMENT OF CHANGES WITHOUT REGULATORY EFFECT

Title 1, California Code of Regulations (CCR), section 100(b)(3)

The Department of Social Services (CDSS) proposes the following additions, revisions and deletions to the text published in Division 22 of the department's Manual of Policies and Procedures (MPP). The rulemaking procedure specified in Article 5 of the Administrative Procedures Act (APA) is not required because the changes do not materially alter any requirement, right, responsibility, condition, prescription or other regulatory element of the MPP.

As required by 22 CCR 100(b)(3), this statement is submitted with seven complete copies of the text with additions shown in underline and deletions shown in strike-out, each attached to a completed Form 400, with at least one Form 400 bearing an original signature.

This Statement of Changes Without Regulatory Effect describes each proposed change and explains why the change does not materially alter any requirement, right, responsibility, condition, prescription or other regulatory element of any CCR provision or of the MPP.

MPP sections 22-000.13, -001(l)(1)(a), -001(p)(2), -009.21, -045.12, -045.132, -047.3, -049.111, -49.13, -049.5-6, -051.3-4, -053.1-3, -054.211, -054.33, -054.4, -055.1, -059.12, -061.2, -063.113, -065.7, -065.9, -072.2, -072.522(a)(1), -078.3, -078.5, -085.1 and -085.2

Substitute "he or she" for "he/she," "himself or herself" for "him/herself," "him or her" for "him/her" and "his or her" for "his/her."

Explanation:

The proposed changes correct the regulations' grammar by using complete phrases. They do not alter any right or requirement.

MPP sections 22-001(a)(1), -001(a)(3), -003.11, -009.12, -045.21, -051.31, -053.111, -053.4, -060.12, -071.1, -072.2, -073.243 and -078.22

Substitute "CalFresh" for all references to "Food Stamps" and omit the abbreviation "FS."

Explanation:

Welfare & Institutions (W&I) Code section 18901.5, enacted in 2008 by AB 433, required the CDSS to develop a new name for California's implementation of the federal Supplemental Nutrition Assistance Program (SNAP). The name "CalFresh" was implemented beginning in November 23, 2010. The proposed changes update Division 22 of the MPP to use the new name

and omit the abbreviation previously used for the program. They do not alter any regulatory element of the CalFresh Program.

MPP sections 22-001(a)(1), -054.222(b), -072.7 and -073.12

Substitute the phrase "aid pending" for the phrase "aid paid pending."

Explanation:

The program terms "aid pending" and "aid paid pending" are synonymous; both mean aid that the county proposed to discontinue but which is provided to the claimant while a state hearing is pending, under certain conditions. To prevent confusion, the terms "aid pending the hearing" is used consistently.

MPP section 22-001(c)(5)

Substitute parentheses for periods so that the cross-reference reads "22-001(c)(7)" instead of "22-001.c.(7)."

Explanation:

The proposed change is for stylistic consistency and does not alter any regulatory element.

MPP sections 22-001(c)(5), -001(d)(3), -001(d)(4) and -065.112

Change "Department of Health Services" to "Department of Health Care Services" or "DHCS."

Explanation:

The California Public Health Act of 2006, enacted by SB 162, amended Government Code section 12803 and Health & Safety Code section 20 by reorganizing the California Department of Health Services into the California Department of Public Health and the Department of Health Care Services, effective July 1, 2007. The proposed changes update Division 22 of the MPP to use the new name, Department of Health Care Services, or its abbreviation, DHCS, in reference to the department that administers Medi-Cal programs subject to Division 22. It does not alter any regulatory element.

MPP sections 22-001(d)(3)-(4), -001(l)(1)(a), -004.2, -004.3, -065.112 and -071.3

Substitute "CDSS" for "the California Department of Social Services."

Explanation:

The proposed change is for stylistic consistency and does not alter any regulatory element.

MPP section 22-001(l)

Substitute "requirement" for "reuirement."

Explanation:

The proposed addition corrects the spelling of "requirement" and does not alter the definition of "language-compliant notice."

MPP section 22-003.14

Substitute "CWD" for "welfare department."

Explanation:

The proposed change is for consistency and does not alter the limitation on the right to a state hearing regarding child custody and child welfare service issues while that child is under the jurisdiction of the juvenile court.

MPP section 22-004.41

Substitute "decendent" for "decendent."

Explanation:

The proposed deletion corrects the spelling of "decendent."

MPP section 22-009.22 (Handbook)

Omit outdated example.

Explanation:

The example provided in the non-regulatory "Handbook" refers to sanctions that are no longer imposed on Welfare-to-Work recipients. At one time, participants could be sanctioned for a minimum number of months if they refused to participate in Welfare-to-Work activities. However, W&I Code section 11327.5 was amended by AB 1808 (Statutes of 2006, Chapter 75, section 29.3) to require lifting sanctions as soon as the participant performed the required Welfare-to-Work activity. Therefore, the example should be omitted because it is no longer relevant and may be confusing.

MPP section 22-045.1

Add a comma.

Explanation:

The proposed addition corrects the punctuation. It does not change any requirement or right.

MPP section 22-049.11

Substitute "personally" for "in person."

Explanation:

The proposed change avoids confusion by stating that the claimant may appear either personally or through an authorized representative at the hearing. The phrase "in person" is inconsistent with a claimant appearing personally by telephone at a telephone hearing or on video at a video hearing.

MPP section 22-053.41

Substitute "postponement" for "ponstponement."

Explanation:

The proposed revision corrects the spelling of "postponement" and does not alter the requirement to continue aid pending the hearing in CalFresh Program cases.

MPP section 22-054.211(b)(3)(B)

Substitute "Section 22-071.15" for "Section 22-071.14."

Explanation:

The proposed revision corrects a cross-reference and does not alter the requirements for conditional withdrawals or adequate notice.

The correct reference is to Section 22-071.15, which in turn refers to Section 22-054.211 on conditional withdrawals. The unchanged text of Section 22-071.15 is, "When the county takes action after the claimant has conditionally withdrawn a request for a state hearing (see Section 22-054)."

The erroneous reference to Section 22-071.14 was incorrect because that section does not refer to conditional withdrawals. The unchanged text of Section 22-071.14 is, "When the county demands repayment of an overpayment or a CalFresh overissuance."

MPP section 22-054.221

Change "by him/her self" to "personally."

Explanation:

The proposed change clarifies that a claimant may appear personally, with or without an authorized representative and with or without witnesses or other persons in support. It does not change any requirement or right.

MPP section 22-055.2

Add a comma.

Explanation:

The proposed addition corrects the punctuation by inserting an additional comma so that the parenthetical phrase "at any time prior to the close of the record" is correctly set off with commas from the remainder of the sentence. It does not change any requirement or right.

MPP section 22-072.5

Substitute "22-072.6" for "22-072.7."

Explanation:

The proposed revision corrects a cross-reference and does not change the condition to which the regulatory provision applies. Section 22-072.5 provides the situations in which aid pending the hearing is inapplicable, specifically referencing Section 22-054.1 (the dismissal or denial of a hearing request regarding an automatic grant adjustment required by state law) and the proposed corrected regulation of Section 22-072.6 that describes the circumstances under which aid pending shall cease.

The erroneous cross-reference was to Section 22-072.7, which provides the claimant with the right to request a reconsideration of a decision on aid pending the hearing. The section states: "After the hearing, and within ten days from receipt of the aid pending decision, the claimant or the county may submit a written request to the State Hearings Division for reconsideration of the aid pending decision."

MPP section 22-072.6

Add "when the decision is adopted and released, or" prior to the colon.

Explanation:

Aid pending is aid that the county had proposed to discontinue, but which is paid pending the hearing under certain conditions. By definition, it is paid only while the hearing is pending – that is – it ceases when the hearing ends by adoption and release of a decision. To prevent confusion, this is stated explicitly in Section 22-072.6, which lists additional circumstances under which aid pending ceases.

MPP section 22-077.133

Omit comma in final sentence.

Explanation:

The proposed change corrects the punctuation and does not affect the duties of a responsible county when the hearing is held in another place.

MPP section 22-085.21

Substitute "representative" for "representatie."

Explanation:

The proposed addition corrects the spelling of "representative" and does not alter the condition under which an attorney may be recognized as an authorized representative.